

UNITED STATES DISTRICT COURT

FOR THE

District of

MASSACHUSETTS

PHARMASTEM THERAPEUTICS, INC.

Plaintiff,

V.

SUMMONS IN A CIVIL CASE

VIACELL, INC., OBSTETRICAL AND GYNECOLOGICAL  
ASSOCIATES, P.A., FEMPARTNERS, INC., and  
CARITAS ST. ELIZABETH'S MEDICAL CENTER  
OF BOSTON, INC.

CASE NUMBER: 04-CV-11673 RWZ

Defendants.

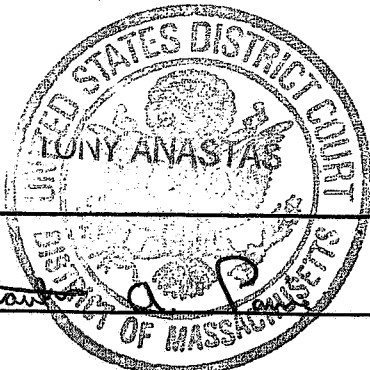
TO: (Name and address of Defendant)

Obstetrical and Gynecological Associates, P.A.  
c/o John F. Irwin, Registered Agent  
7550 Fannin  
Houston, TX 77054

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Daniel J. Kelly, Esquire  
Gadsby Hannah LLP  
225 Franklin Street  
Boston, MA 02110

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

DATE

(By) DEPUTY CLERK

8/10/2004

SAO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server _____</p>		
<p style="font-size: 24pt; font-weight: bold; margin: 0;">AFFIDAVIT ATTACHED</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT  
District of Massachusetts**

Case Number: 04-CV-11673 RWZ

Plaintiff:

**PHARMASTEM THERAPEUTICS, INC.**

vs.

Defendant:

**VIACELL, INC., OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES,  
P.A., FEMPARTNERS, INC., and CARITAS ST. ELIZABETH'S MEDICAL  
CENTER OF BOSTON, INC.**

For:

Edward W. Little, Jr.  
GADSBY HANNAH, LLP  
225 Franklin Street  
Boston, MA 02110

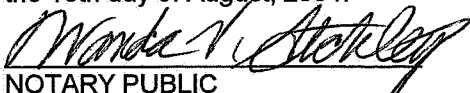
Received by AMERICAN CIVIL PROCESS SERVICES, INC. on the 13th day of August, 2004 at 10:30 am to be served on **OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A. c/o John F. Irwin, Registered Agent @ 7550 Fannin, Houston, TX 77054.**

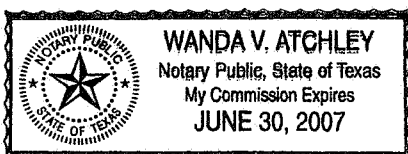
I, Lisa F. Nabulsi, being duly sworn, depose and say that on the **13th day of August, 2004 at 12:35 pm, I:**

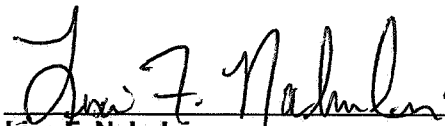
DELIVERED to the within named ENTITY a true copy of the **SUMMONS IN A CIVIL CASE/AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL and CIVIL COVER SHEET** with the date of service endorsed thereon by me by personal delivery to KAREN BILLING as Authorized Agent to Accept Service, Legal Department, of the within named entity, OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A. in compliance with state statutes at 7550 Fannin, Houston, Harris County, Texas 77054 .

I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit.

On this day personally appeared affiant, known to me personally to be the person whose name is subscribed to the foregoing return and, being by me duly sworn, declare under oath that the statements therein are true and correct. Subscribed and Sworn to before me on the 16th day of August, 2004.

  
NOTARY PUBLIC



  
Lisa F. Nabulsi  
Process Server

**AMERICAN CIVIL PROCESS SERVICES, INC.  
P.O. Box 96577  
Houston, TX 77213-6577  
(713) 453-6288**

Our Job Serial Number: 2004002578